

10/31/2017 4:02 PM

**DOCKET NO. D-2017-004-1**

**DELAWARE RIVER BASIN COMMISSION**

**Special Protection Waters**

**Little Lehigh Tree & Turf – Hunsicker Farm  
Groundwater Withdrawal**

**Longswamp Township, Berks County and Lower Macungie Township, Lehigh County,  
Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by Del Val Soil & Environmental Consultants, Inc. (Del Val) on behalf of Little Lehigh Tree & Turf (LLT&T) to the Delaware River Basin Commission (DRBC or Commission) on April 4, 2017 for approval of an allocation of groundwater and review of a groundwater water withdrawal project (Application).

The Application was reviewed for approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Berks County Planning Commission and the Lehigh Valley Planning Commission have been notified of pending action on this permit. A public hearing on this project was held by the DRBC on November 15, 2017.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this project is to approve a groundwater withdrawal of up to 148.176 million gallons per month (mgm) during the irrigation season (May through September) to supply water to the Hunsicker agricultural corn farm for their proposed irrigation system from new Wells H-1, H-4, H-5 and B-1.

**2. Location.** The project wells are completed in the Allentown Dolomite Formation and are located in the Little Lehigh Creek Watershed in Longswamp Township, Berks County and Lower Macungie Township, Lehigh County, Pennsylvania within the drainage area to the Lower Delaware which is classified as Special Protection Waters. Little Lehigh Creek near the project site is designated by the PADEP as supporting High Quality - Cold Water Fishes (HQ-CWF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The project withdrawals will only be used to supply water to the docket holder's agricultural corn farm. The area serviced is outlined on a map entitled "Site Location" submitted with the Application. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** The Hunsicker corn farm has a proposed state-of-the-art irrigation system using groundwater as the primary water source to irrigate as necessary approximately 400 acres of corn fields. The docket holder reports the current average and maximum water demand of the farm is 3.951 million gallons per day (mgd) and 4.939 mgd, respectively. The docket holder does not project an increase in water use by the year 2027. The allocation of 148.176 mgm should be sufficient to meet the future demands of the Hunsicker farm.

b. **Facilities.** The new project wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
H-1	133	47' / 8"	689	2016
H-4	330	71' / 8"	407	2016
H-5	180	70' / 10"	1,311	2016
B-1	250	70' / 10"	1,023	2016

All wells will be metered prior to going into operation.

The project wellheads are above the 100-year flood elevation.

The water system is not presently interconnected with any other distribution system.

c. **Other.** The only wastewater at the site is from the Hunsicker residence, which is conveyed to an on-site septic system.

d. **Cost.** The overall cost of the proposed wells is estimated to be \$250,000.

## B. **FINDINGS**

The Hunsicker corn farm has a proposed state-of-the-art irrigation system using groundwater as the primary water source. LLT&T estimate a monthly demand of 148.176 mgm

during the irrigation season of May through September (approximately 153 days), as necessary to supplement irrigation from precipitation.

### **Special Protection Waters**

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the *Compact* that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of Special Protection Waters. The wells providing water supply to the Hunsicker farm are located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities or service areas that would produce any new or increased non-point source loads associated with this approval, the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition C.I.v. has been included in the Decision section of this docket.

### **Irrigation System**

The irrigation system installed at the Hunsicker Farm is a low elevation spray application (LESA) on center pivot arms. The LESA center pivot system has drop-down water applicators that are positioned 12 to 18 inches above the ground level to minimize water loss due to evaporation and minimize overall water use. The water application efficiency for LESA center pivot systems is 85 to 90 percent. Application pressures and rates are also based on the soil conditions to maximize infiltration and minimize surface runoff. The current LESA system at the Hunsicker Farm is configured with eight (8) center pivot arms.

The irrigation system at the Hunsicker Farm also includes a precision weather station with temperature, precipitation, humidity, wind speed and wind direction sensors. Soil moisture probes throughout the site are used to monitor soil moisture under all conditions. Since there is a

significant cost involved with pumping water to the irrigation system, minimizing water usage and maximizing irrigation efficiency is the ultimate system goal. As such, the LESA system in coordination with the weather station and soil moisture probes are used to minimize water usage and water runoff while maintaining the optimum soil moisture conditions required throughout the growth cycle of the corn crop.

The Hunsicker Farm has estimated the water requirement for a farm in Pennsylvania to be four (4) inches per week. Maintaining soil moisture for crop uptake is most important during the critical growth stage of pollination, which in Pennsylvania typically occurs in July. If the water requirements of the plant are not met by precipitation, stress on the crop increases and yield decreases, resulting in economic hardship for the farm. In addition to preventing significant crop loss during dry periods, the average corn crop yield at the Hunsicker Farm could rise 50% with the knowledge that water is not the limiting factor. Managed irrigation provides the following benefits:

- Higher seeding rates, consistent water supports more plants.
- Consistent moist ground – moist ground is cooler, which helps with pollination.
- Healthier plants have less disease pressure.
- Healthier plants use fertilizer more efficiently.
- Sustained crop yield (crop yield can decline to 20% or less with no water in a dry year.
- Better marketing decisions are possible based on the knowledge that there will be a crop – crop can be priced and sold in June or July knowing a dry summer will not significantly reduce yield in September or October.

### **Weather Station**

In the spring of 2016, the Hunsicker farm had a National Weather Service (NWS) certified weather station installed. The system is a Davis Instruments Ag centric system that includes the following sensors: air temperature, dew point, humidity, evapotranspiration, growing degree days, cooling and heating degree days, leaf wetness, soil moisture (at 4 inches, 16 inches and 39 inches depth), wind speed, wind direction and rainfall. The data from the system is collected every minute and transmitted to a database.

The data allows the Hunsicker farm to closely monitor the weather conditions to assess when supplemental irrigation, nutrients, etc. are needed or not needed. This helps reduce unnecessary watering when there is ample sub soil moisture levels and the accumulation of rainfall. Solar information and growing degree days help determine when fertilizer or pesticide applications are needed.

### **Well H-1 Hydrogeologic Evaluation**

On January 9, 2016, Well H-1 was drilled to a depth of 133 feet. Forty-seven (47) feet of 8” diameter casing was installed and grouted.

On April 11 through April 14, 2016, a 72-hour continuous-rate pumping test was conducted to assess withdrawal capabilities of Well H-1 and the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate

of the test on Well H-1 was approximately 689 gallons per minute (gpm). Discharge from the pumping well was conveyed approximately 150 feet west through a fire hose to a trailer body to reduce potential soil erosion. The discharge then flowed to a down gradient drainage swale, which in turn discharged to the Little Lehigh Creek approximately 750 feet north of the well. Well H-1 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well H-1) and five (5) monitoring wells (monitored electronically and manually) and three (3) stream piezometers (2-inch) installed in the stream bank of the Little Lehigh Creek, upstream, mid-stream and downstream of the pumping well. Observation points ranged in distance to the pumping well from approximately 778 feet (PZ-1) to approximately 4,545 feet (Well OW-2).

Prior to the start of the pumping test, the water level in Well H-1 was 18.96 feet below top of casing (btoc). Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of 689 gpm, was 6.55 feet (water level of 25.51 feet btoc). Drawdown as a result of pumping was observed in monitoring well H-4. The total drawdown was approximately 1.27 feet. Drawdown as a result of the withdrawals from the Well H-1 was not observed in the stream piezometers.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well H-1 test data was 6,699 ft<sup>2</sup>/day using Cooper Jacob method for drawdown and 15,360 ft<sup>2</sup>/day using the Theis method for the recovery. at the test rate of 689 gpm.

The DRBC has reviewed the Hydrogeologic Report for the Well H-1 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well H-1.

#### **Well H-4 Hydrogeologic Evaluation**

On January 7, 2016, Well H-4 was drilled to a depth of 330 feet. Seventy-one (71) feet of 8" diameter casing was installed and grouted.

On March 28 through April 1, 2016, a 72-hour pumping test was conducted to assess withdrawal capabilities of Well H-4 and the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well H-4 was approximately 407 gpm. During the long-term pumping test of Well H-4, issues with the pump on the second day of the test resulted in the pump being shut down and turned on six (6) times between 9:55 am and 11:46 am. The pump was turned off for 2 to 5 minutes each time (total shutdown time was 21 minutes). As such, the pumping test was extended an additional day. Discharge from the pumping well was conveyed approximately 150 feet west through a fire hose to a trailer body to reduce potential soil erosion. The discharge then flowed to a down gradient drainage swale, which in turn discharged to the Little Lehigh Creek approximately 1,200 feet north of the well. Well H-4 was pumped for a total period of 5,739 minutes.

Groundwater response monitoring was conducted in the pumping well (Well H-4) and five (5) monitoring wells (monitored electronically and manually) and three (3) stream piezometers (2-inch) installed in the stream bank of the Little Lehigh Creek, upstream, mid-stream and downstream of the pumping well. Observation points ranged in distance to the pumping well from approximately 995 feet (Well H-1) to approximately 5,411 feet (Well OW-2).

Prior to the start of the pumping test, the water level in Well H-4 was 25.27 feet below top of casing (btoc). Maximum drawdown observed at the pumping well, after approximately 96 hours of pumping at a rate of 407 gpm, was 141.55 feet (water level of 166.82 feet btoc). No discernable water level declines as a result of pumping at Well H-4 were observed in any of the monitoring wells or piezometers.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well H-4 test data was 2,849 ft<sup>2</sup>/day using Cooper Jacob method for drawdown and 5,276 ft<sup>2</sup>/day using the Theis method for the recovery. at the test rate of 407 gpm.

The DRBC has reviewed the Hydrogeologic Report for the Well H-4 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well H-4.

### **Well H-5 Hydrogeologic Evaluation**

On February 18, 2016, Well H-5 was drilled to a depth of 180 feet. Seventy (70) feet of 10" diameter casing was installed and grouted.

On June 1 through June 4, 2016, a 72-hour continuous-rate pumping test was conducted to assess withdrawal capabilities of Well H-5 and the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well H-5 was approximately 1,311 gpm. Discharge from the pumping well was conveyed approximately 150 feet west through a fire hose to a trailer body to reduce potential soil erosion. The discharge then flowed to a down gradient drainage swale, which in turn discharged to the Little Lehigh Creek approximately 550 feet northeast of the well. Well H-5 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well H-5) and five (5) monitoring wells (monitored electronically and manually) and three (3) stream piezometers (2-inch) installed in the stream bank of the Little Lehigh Creek, upstream, mid-stream and downstream of the pumping well. Observation points ranged in distance to the pumping well from approximately 289 feet (PZ-2) to approximately 3,784 feet (Well OW-2).

Prior to the start of the pumping test, the water level in Well H-5 was 17.80 feet below top of casing (btoc). Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of 1,311 gpm, was 20.59 feet (water level of 38.39 feet btoc). Drawdown as a result of pumping was observed in four monitoring wells (H-1, H-4, B-1 and OW-1). The drawdowns ranged from 0.37 feet in Well H-4 (1,660 feet from pumping well) to

1.17 feet of drawdown in Well OW-1 (1,400 feet from pumping well). Drawdown as a result of the withdrawals from the Well H-1 was not observed in the stream piezometers.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well H-5 test data was 50,983 ft<sup>2</sup>/day using Cooper Jacob method for drawdown and 50,983 ft<sup>2</sup>/day using the Theis method for the recovery. at the test rate of 1,311 gpm. A Storativity value was calculated from the drawdown data observed at Well OW-1 monitored during the pumping test, the value was  $2.93 \times 10^{-4}$ . The storage coefficient is indicative of confined conditions.

The DRBC has reviewed the Hydrogeologic Report for the Well H-4 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well H-4.

### **Well B-1 Hydrogeologic Evaluation**

On March 17, 2016, Well B-1 was drilled to a depth of 250 feet. Seventy (70) feet of 10" diameter casing was installed and grouted.

On April 11 through April 14, 2016, a 72-hour continuous-rate pumping test was conducted to assess withdrawal capabilities of Well B-1 and the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well B-1 was approximately 1,023 gallons per minute (gpm). Discharge from the pumping well was conveyed approximately 200 feet west through a fire hose to a trailer body to reduce potential soil erosion. The discharge then flowed to a down gradient drainage swale, which in turn discharged to the Little Lehigh Creek approximately 350 feet north of the well. Well H-1 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well B-1) and five (5) monitoring wells (monitored electronically and manually) and three (3) stream piezometers (2-inch) installed in the stream bank of the Little Lehigh Creek, upstream, mid-stream and downstream of the pumping well. Observation points ranged in distance to the pumping well from approximately 100 feet (PZ-1) to approximately 3,159 feet (Well OW-2).

Prior to the start of the pumping test, the water level in Well B-1 was 21.11 feet below top of casing (btoc). Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of 1,023 gpm, was 46.29 feet (water level of 67.40 feet btoc). Drawdown as a result of pumping was observed in three monitoring wells (H-1, H-5 and OW-1). The drawdowns ranged from 0.56 feet in Well H-1 (1,427 feet from pumping well) to 12.50 feet of drawdown in Well OW-1 (315 feet from pumping well). Drawdown as a result of the withdrawals from the Well B-1 was not observed in the stream piezometers.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well B-1 test data was 20,460 ft<sup>2</sup>/day using the Theis method for the recovery at the test rate of 1,023 gpm.

The DRBC has reviewed the Hydrogeologic Report for the Well B-1 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well B-1.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The DRBC estimates that the project withdrawals, used for the purpose of agricultural irrigation, result in a consumptive use of 90 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

### **C. DECISION**

I. The project as described in the Section A. “Physical features” is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to any conditions, requirements, and limitations imposed by the PADEP. Within 60 days (on or before February 13, 2018), the docket holder shall provide written confirmation to the Commission that it has registered and reported with PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all well sources shall not exceed 148.176 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MGM)
H-1	689	29.765
H-4	407	17.582
H-5	1,311	56.635
B-1	1,023	44.194

e. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

f. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported annually by June 30, to the PADEP. Withdrawal records shall be available at any time to the Commission if requested by the Executive Director.

g. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

h. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

i. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

j. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

k. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

l. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

m. A long-term monitoring program is required to obtain data on ground water hydrologic conditions in the project area. The docket holder shall implement the long-

term monitoring program as submitted by the docket holder in the hydrogeologic report dated March 31, 2017. This program will include the following:

1. **Ground Water Level Monitoring** – LLT&T shall monitor six (6) wells identified in the above referenced report to estimate annual ground water fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may affect the performance of public and private wells in the area of the Hunsicker farm wells.
2. **Reports** - All monitoring data, including records required in Conditions “f.” and “l.” herein shall be submitted to the Commission annually, due by April 1. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.
3. The Executive Director may modify the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

n. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

o. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

p. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 CFR 401.43).

q. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.35).

r. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.35).

s. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

t. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the docket holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the docket holder shall provide written notice to all potentially affected water users of the docket holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the docket holder's project withdrawal shall be repaired, replaced or mitigated at the docket holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the docket holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

u. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

v. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

w. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

**BY THE COMMISSION**

**APPROVAL DATE:**

**EXPIRATION DATE: December 13, 2027**